

9 FAM 41.71 TRANSIT ALIENS

(TL:VISA-9; 3-23-88)

(a) Transit Aliens-General

(TL:VISA-9; 3-23-88)

An alien is classifiable as a nonimmigrant transit alien under INA 101(a)(15)(C) if the consular officer is satisfied that the alien:

(1) Intends to pass in immediate and continuous transit through the United States;

(2) Is in possession of a common carrier ticket or other evidence of transportation arrangements to the alien's destination;

(3) Is in possession of sufficient funds to carry out the purpose of the transit journey, or has sufficient funds otherwise available for that purpose; and

(4) Has permission to enter some country other than the United States following the transit through the United States, unless the alien submits satisfactory evidence that such advance permission is not required.

(b) Certain Aliens in Transit to United Nations

(TL:VISA-2; 8-30-87)

An alien within the provisions of paragraph (3), (4), or (5) of section 11 of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District, may upon request or at the direction of the Secretary of State be issued a nonimmigrant visa bearing the symbol C-2. If such a visa is issued, the recipient shall be subject to such restrictions on travel within the United States as may be provided in regulations prescribed by the Attorney General.

9 FAM 41.71 Related Statutory Provisions

INA 101(a)(15)(C), in part

(TL:VISA-2; 8-30-87)

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens... (C) an alien in immediate and continuous transit through the United States,...

For provisions of INA 212(d)(4)(C) and INA 238(d) see sec. 41.2 Related Statutory Provisions.

INA 248

(TL:VISA-2; 8-30-87)

Sec. 248. The Attorney General may, under such conditions as he may prescribe, authorize a change from any nonimmigrant classification to any other nonimmigrant classification in the case of any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain that status, except in the case of—(1) an alien classified as a nonimmigrant under subparagraph (C), (D), or (K) of section 101(a)(15), (2) an alien classified as a nonimmigrant under subparagraph (J) of section 101(a)(15) who came to the United States or acquired such classification in order to receive graduate medical education or training, and (3) an alien (other than an alien described in paragraph (2) classified as a nonimmigrant under subparagraph (J) of section 101(a)(15) who is subject to the two-year foreign residence requirement of section 212(e) and has not received a waiver thereof, unless such alien applies to have the alien's classification changed from classification under subparagraph (J) of section 101(a)(15) to a classification under subparagraph (A) or (G) of such section.

Paragraphs (3), (4), and (5) of section 11 of the Headquarter's Agreement with the United Nations

(TL:VISA-2; 8-30-87)

Section 11—The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of... (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business.